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COUNSEL FOR RODDRICK B. NEWHOUSE,
CHAPTER 7 TRUSTEE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

IN RE:	§	
	§	CASE NO.: 21-10051-rlj7
LAUREN ENGINEERS &	§	
CONSTRUCTORS, INC.,	§	In Proceedings Under Chapter 7
	§	
Debtor.	§	

**MOTION FOR APPROVAL OF INTERIM DISTRIBUTION TO HOLDERS OF
PREPETITION WAGE AND EMPLOYEE BENEFITS CLAIMS ALLOWED
PURSUANT TO 11 U.S.C. § 507(A)(4) AND (5) AND RELATED RELIEF**

IMPORTANT NOTICE

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN
RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES
BANKRUPTCY COURT AT GEORGE MAHON FEDERAL BUILDING,
1205 TEXAS AVENUE, ROOM 306, LUBBOCK, TEXAS 79401-4002
BEFORE THE CLOSE OF BUSINESS ON JANUARY 12, 2023, WHICH IS
AT LEAST TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE
HEREOF.**

**ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE
CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE
MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH
HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH
NOTICE ONLY TO THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY
REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE**

**UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING
THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.**

TO THE HONORABLE ROBERT L. JONES, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Roddrick B. Newhouse (“Trustee”), Chapter 7 Trustee of the above styled and numbered bankruptcy estate, and files this *Motion for Approval of Interim Distribution to Holders of Prepetition Wage and Employee Benefits Claims Allowed Pursuant to 11 U.S.C. § 507(a)(4) and (5) and Related Relief* (the “Motion”) and in support thereof would respectfully show to the Court as follows:

Bankruptcy

1. Lauren Engineers & Constructors, Inc., Debtor herein (“Debtor”) filed a Voluntary Petition for relief under chapter 7 of the United States Bankruptcy Code on April 8, 2021, (the “Petition Date”) thereby commencing the above styled and numbered bankruptcy proceeding. Laurie Dahl Rea was appointed to serve as Trustee of the assets of the bankruptcy estate; however, she resigned her appointment on June 10, 2021. Roddrick B. Newhouse was subsequently appointed to serve as the successor Trustee.

Jurisdiction

2. This Court has jurisdiction over the subject matter of this Motion pursuant to 28 U.S.C. §§ 1334 and 157. The matter is core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The predicates for relief requested are sections 105(a), 507(a)(4) and 507(a)(5) of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 6004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

Background

3. Since 1984, Debtor was an engineering firm specializing in designing and constructing highly specialized facilities in the chemicals and polymers, power, oil and gas, and refining industries. Operations were centered in two leased locations in Abilene, Texas with a satellite office located in leased space in Tyler, Texas.

4. Operations of the Debtor ended abruptly in March 2021 leaving the Debtor without the financial wherewithal to satisfy employee wage claims which were accrued during the month of March 2021.

5. On May 14, 2021, the Clerk of Court issued its *Notice to File Claim* [Docket No. 71] setting a bar date for filing claims of August 12, 2021 (the “Bar Date”). The Notice to File Claim was served by the Clerk of the Court on all creditors and parties in interest in the Debtor’s bankruptcy case. This necessarily included the former employees of the Debtor holding employee wage claims.

6. A total of 62 claims were filed by former employees of the Debtor reflecting claims for wages and other sums due. For most, if not all, former employees filing wage claims, this was their first experience filing a claim in a bankruptcy case.

7. On June 30, 2023, the Trustee filed his *Trustee’s Motion for Leave to File Omnibus Objection to Employee Wage Claims* [Docket No. 478]. On July 26, 2023, the Court entered its *Order Granting Motion for Leave to File Omnibus Objection to Employee Wage Claims* [Docket No. 482].

8. On October 4, 2023, the Trustee filed his *Trustee’s Omnibus Objection to Employee Wage Claims* [Docket No. 507] (the “Omnibus Objection”) pursuant to which the Trustee sought to reconcile the employee claims to the Debtor’s payroll records. No opposition

was filed to the Omnibus Objection and on November 9, 2023, this Court entered its *Order Regarding Trustee's Omnibus Objection to Employee Wage Claims* granting the Omnibus Objection [Docket No. 528]¹. All priority unsecured claims of former employees of the Debtor have now been resolved with a total of 44 former employees of the Debtor holding allowed priority section 507(a)(4) and (5) claims aggregating \$257,155.43 (the “Allowed Employee Claims”).

9. In view of the remaining matters pending before this Court, administration of the subject bankruptcy estate may very well extend another year or longer. Throughout this proceeding it has been a major objective of the Trustee to satisfy allowed priority unsecured claims of former employees of the Debtor at the earliest possible juncture.

10. Taking into account the recent settlement between the Trustee and Federal Insurance Company (“Chubb”) approved by this Court pursuant to the Chubb Settlement Order, the Trustee now holds sufficient unsecured funds to satisfy all projected administrative claims which are accorded priority superior to holders of Allowed Employee Claims.

Proposed Interim Distribution

11. Accordingly, by this Motion, the Trustee seeks authority to make an interim distribution to holders of Allowed Employee Claims. Attached hereto and incorporated herein as **Exhibit A** is a Payroll Distribution Summary for the Allowed Employee Claims (the “Payroll Distribution Summary”) reflecting gross wages as the Amount Allowed and associated employee and employer federal and state withholding taxes.

¹ It should be noted that independent of the Omnibus Objection, the claims of Michael Adkins, Eric Anderson, Charles Ashmore, Rayn Bloser, Richard “Kirk” Boswell, Clay Boyce, Andrew Coleman, Ronald Edwards, Marcus D. Gand, John Hyland, Rajeev Karki, Pamela Langley and Jason McFadden were deemed withdrawn pursuant to *Order Approving Settlement Agreement and Release* entered November 30, 2023 [Docket No. 524] (the “Chubb Settlement Order”).

12. As reflected in the Payroll Distribution Summary, the net distribution to holders of Allowed Employee Claims totals \$186,051.93 with the Trustee withholding from the distribution the employee portion of payroll taxes of \$71,103.50.

13. Additionally, the bankruptcy estate will be responsible for the employer taxes associated with the interim distribution due the Internal Revenue Service of \$20,986.02 and the State of Texas of \$6,437.42.

14. In sum, the Trustee proposes an interim distribution to holders of Allowed Employee Claims of \$257,155.43 plus the employer portion of federal and state withholding taxes of \$27,423.44 for a total of \$284,578.87. The proposed interim distribution will fully satisfy the Allowed Employee Claims.

15. The Trustee asserts the relief sought herein is in the best interests of the estate and creditors thereof.

16. Given the need for relief requested herein, and to implement the foregoing successfully, the Trustee seeks a waiver of the requirements under bankruptcy Rule 6004, including the fourteen-day stay of an order authorizing the use, sale, or lease of property under Bankruptcy Rule 6004(h), to the extent this rule is applicable.

17. The Trustee's proposed form of Order approving this Motion is attached hereto and incorporated herein as **Exhibit B**.

WHEREFORE, PREMISES CONSIDERED, Roddrick B. Newhouse, Chapter 7 Trustee herein, respectfully prays for an Order approving an interim distribution to holders of Allowed Employee Claims and deposit of federal and state withholding consistent with the Payroll Distribution Summary and for such other and further relief, at law or in equity, to which the Trustee may be shown justly entitled.

Dated this the 22nd day of December 2023.

Respectfully submitted,

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By: /s/ Joseph F. Postnikoff
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COUNSEL FOR RODDRICK B. NEWHOUSE,
CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 22nd day of December 2023, a copy of the foregoing Motion was served by first-class U.S. mail, postage prepaid on the persons named on the attached Service List.

/s/ Joseph F. Postnikoff
Joseph F. Postnikoff

Payroll Distribution Summary

21-10051 Lauren Engineers and Constructors, Inc.

Distribution run on 12/18/2023 1:11PM - paying only the Priority Wage Claims on the order and the taxes associated.

Tcode	Claim #	Claimant	Amount Allowed	Prop. Net to Claim	Prop. Fed W/H	Prop. Soc. Sec.	Prop. Medicare	Gross Value	Prop. FUTA	Prop. Soc. Sec.	Prop. Medicare	Prop. SUTA	Claim State	Payee Claim State
5300-000	4P	KENNETH BRUCE STEWART	\$ 10,051.93	\$ 7,272.57	\$ 2,010.39	\$ 623.22	\$ 145.75	\$ 10,051.93	\$ 42.00	\$ 623.22	\$ 145.75	\$ 243.00	TX	TX
5300-000	13P	Edward Winegeart	\$ 3,325.00	\$ 2,405.64	\$ 665.00	\$ 206.15	\$ 48.21	\$ 3,325.00	\$ 19.95	\$ 206.15	\$ 48.21	\$ 89.78	TX	TX
5300-000	14P	Alonzo Morales	\$ 4,270.00	\$ 3,089.34	\$ 854.00	\$ 264.74	\$ 61.92	\$ 4,270.00	\$ 25.62	\$ 264.74	\$ 61.92	\$ 115.29	TX	TX
5300-000	25P	BRIAN CASEY	\$ 2,535.38	\$ 1,834.35	\$ 507.08	\$ 157.19	\$ 36.76	\$ 2,535.38	\$ 15.21	\$ 157.19	\$ 36.76	\$ 68.46	TX	TX
5300-000	27	Dustin W. Barbee	\$ 3,346.56	\$ 4,591.73	\$ 1,269.31	\$ 393.49	\$ 92.03	\$ 6,346.56	\$ 38.08	\$ 393.49	\$ 92.03	\$ 171.36	TX	
5300-000	29	Lee Aaron Tatum	\$ 4,567.71	\$ 3,304.74	\$ 913.54	\$ 283.20	\$ 66.23	\$ 4,567.71	\$ 27.41	\$ 283.20	\$ 66.23	\$ 123.33	TX	TX
5300-000	30	David Folden	\$ 5,345.90	\$ 3,867.75	\$ 1,069.18	\$ 331.45	\$ 77.52	\$ 5,345.90	\$ 32.08	\$ 331.45	\$ 77.52	\$ 144.34	AL	AL
5300-000	33P	ALEJANDRO BEJAR	\$ 1,423.17	\$ 1,029.66	\$ 284.63	\$ 88.24	\$ 20.64	\$ 1,423.17	\$ 8.54	\$ 88.24	\$ 20.64	\$ 38.43	TX	TX
5300-000	34	BIZMARCK BEJAR	\$ 1,368.65	\$ 990.21	\$ 273.73	\$ 84.86	\$ 19.85	\$ 1,368.65	\$ 8.21	\$ 84.86	\$ 19.85	\$ 36.95	TX	TX
5300-000	35P	LUIS MONTEJANO	\$ 6,457.72	\$ 4,672.16	\$ 1,291.54	\$ 400.38	\$ 93.64	\$ 6,457.72	\$ 38.75	\$ 400.38	\$ 93.64	\$ 174.36	SC	SC
5300-000	36	JONATHAN BEJAR	\$ 1,368.65	\$ 990.21	\$ 273.73	\$ 84.86	\$ 19.85	\$ 1,368.65	\$ 8.21	\$ 84.86	\$ 19.85	\$ 36.95	TX	TX
5300-000	37P	DAVID W GROVES	\$ 6,424.29	\$ 4,647.97	\$ 1,284.86	\$ 398.31	\$ 93.15	\$ 6,424.29	\$ 38.55	\$ 398.31	\$ 93.15	\$ 173.46	TX	TX
5300-000	39P	MICHAEL BARBEE	\$ 6,598.20	\$ 4,773.80	\$ 1,319.64	\$ 409.09	\$ 95.67	\$ 6,598.20	\$ 39.59	\$ 409.09	\$ 95.67	\$ 178.15	TX	TX
5300-000	45P	TRENTON RAVEN	\$ 1,360.00	\$ 983.96	\$ 272.00	\$ 84.32	\$ 19.72	\$ 1,360.00	\$ 8.16	\$ 84.32	\$ 19.72	\$ 36.72	TX	MN
5300-000	47P	Steven Franklin Rich	\$ 7,389.61	\$ 5,346.38	\$ 1,477.92	\$ 458.16	\$ 107.15	\$ 7,389.61	\$ 42.00	\$ 458.16	\$ 107.15	\$ 199.52	TX	TX
5300-000	49P	MICHAEL R MARTIN JR	\$ 4,585.00	\$ 3,317.25	\$ 917.00	\$ 284.27	\$ 66.48	\$ 4,585.00	\$ 27.51	\$ 284.27	\$ 66.48	\$ 123.80	TX	TX
5300-000	50P	CALEB CHEATHAM	\$ 5,235.24	\$ 3,787.70	\$ 1,047.05	\$ 324.58	\$ 75.91	\$ 5,235.24	\$ 31.41	\$ 324.58	\$ 75.91	\$ 141.35	TX	TX
5300-000	54P	WILLIAM HOLMES	\$ 13,650.00	\$ 9,875.77	\$ 2,730.00	\$ 846.30	\$ 197.93	\$ 13,650.00	\$ 42.00	\$ 846.30	\$ 197.93	\$ 243.00	TX	TX
5300-000	72P	WILLIAM ROSS MCDANIEL	\$ 13,292.31	\$ 9,616.99	\$ 2,658.46	\$ 824.12	\$ 192.74	\$ 13,292.31	\$ 42.00	\$ 824.12	\$ 192.74	\$ 243.00	TX	TX
5300-000	75P	JAMES M PUCKETT	\$ 2,781.60	\$ 2,012.49	\$ 556.32	\$ 172.46	\$ 40.33	\$ 2,781.60	\$ 16.69	\$ 172.46	\$ 40.33	\$ 75.10	TX	TX
5300-000	77P	LUCINA TREJO	\$ 2,749.75	\$ 1,989.45	\$ 549.95	\$ 170.48	\$ 39.87	\$ 2,749.75	\$ 16.50	\$ 170.48	\$ 39.87	\$ 74.24	TX	TX
5300-000	83P	LEROY ARCE	\$ 3,992.59	\$ 2,888.64	\$ 798.52	\$ 247.54	\$ 57.89	\$ 3,992.59	\$ 23.96	\$ 247.54	\$ 57.89	\$ 107.80	TX	TX
5300-000	89P	TIMOTHY HEFFRON	\$ 531.55	\$ 6,202.83	\$ 1,714.67	\$ 531.55	\$ 124.31	\$ 8,573.36	\$ 42.00	\$ 531.55	\$ 124.31	\$ 231.48	TX	TX
5300-000	109P	DAVID JOINER	\$ 11,846.16	\$ 8,570.70	\$ 2,369.23	\$ 734.46	\$ 171.77	\$ 11,846.16	\$ 42.00	\$ 734.46	\$ 171.77	\$ 243.00	TX	TX
5300-000	110P	TRINA PARKS	\$ 7,609.11	\$ 5,505.20	\$ 1,521.82	\$ 471.76	\$ 110.33	\$ 7,609.11	\$ 42.00	\$ 471.76	\$ 110.33	\$ 205.45	TX	TX
5300-000	114P	Laurence Thomas	\$ 5,165.20	\$ 3,737.02	\$ 1,033.04	\$ 320.24	\$ 74.90	\$ 5,165.20	\$ 30.99	\$ 320.24	\$ 74.90	\$ 139.46	TX	TX
5300-000	118P	BRITTANY WHITE	\$ 5,491.18	\$ 3,972.87	\$ 1,098.24	\$ 340.45	\$ 79.62	\$ 5,491.18	\$ 32.95	\$ 340.45	\$ 79.62	\$ 148.26	TX	TX
5300-000	119P	TROY ARCE	\$ 3,558.45	\$ 2,574.54	\$ 711.69	\$ 220.62	\$ 51.60	\$ 3,558.45	\$ 21.35	\$ 220.62	\$ 51.60	\$ 96.08	TX	TX
5300-000	125	Daniel Cooper Barbee	\$ 6,585.60	\$ 4,764.68	\$ 1,317.12	\$ 408.31	\$ 95.49	\$ 6,585.60	\$ 39.51	\$ 408.31	\$ 95.49	\$ 177.81	TX	TX
5300-000	126P	CRAIG MENDENHALL	\$ 10,242.90	\$ 7,410.74	\$ 2,048.58	\$ 635.06	\$ 148.52	\$ 10,242.90	\$ 42.00	\$ 635.06	\$ 148.52	\$ 243.00	TX	TX
5300-000	128P	Dustin Weatherford	\$ 7,329.17	\$ 5,302.66	\$ 1,465.83	\$ 454.41	\$ 106.27	\$ 7,329.17	\$ 42.00	\$ 454.41	\$ 106.27	\$ 197.89	AZ	AZ
5300-000	136P	Shelton D. Marshall Jr.	\$ 4,217.40	\$ 3,051.29	\$ 843.48	\$ 261.48	\$ 61.15	\$ 4,217.40	\$ 25.30	\$ 261.48	\$ 61.15	\$ 113.87	TX	TX
5300-000	143P	Randy Beyer	\$ 5,327.02	\$ 3,854.10	\$ 1,065.40	\$ 330.28	\$ 77.24	\$ 5,327.02	\$ 31.96	\$ 330.28	\$ 77.24	\$ 143.83	TX	TX
5300-000	145P	David Matthew Brown	\$ 8,335.38	\$ 6,030.65	\$ 1,667.08	\$ 516.79	\$ 120.86	\$ 8,335.38	\$ 42.00	\$ 516.79	\$ 120.86	\$ 225.06	TX	TX
5300-000	147P	Edward Baumgardner	\$ 7,483.28	\$ 5,414.15	\$ 1,496.66	\$ 463.96	\$ 108.51	\$ 7,483.28	\$ 42.00	\$ 463.96	\$ 108.51	\$ 202.05	TX	TX
5300-000	152P	Christopher L. Lefler	\$ 8,649.78	\$ 6,258.11	\$ 1,729.96	\$ 536.29	\$ 125.42	\$ 8,649.78	\$ 42.00	\$ 536.29	\$ 125.42	\$ 231.54	TX	TX
5300-000	155P	CHRISTOPHER T STURDIVANT	\$ 8,013.39	\$ 5,797.69	\$ 1,602.68	\$ 496.83	\$ 116.19	\$ 8,013.39	\$ 42.00	\$ 496.83	\$ 116.19	\$ 216.36	AR	AR
5300-000	157	RICARDO MARTINEZ	\$ 1,760.00	\$ 1,273.36	\$ 352.00	\$ 109.12	\$ 25.52	\$ 1,760.00	\$ 10.56	\$ 109.12	\$ 25.52	\$ 47.52	TX	TX
5300-000	158P	Corby Tyler Sturdvant	\$ 3,040.00	\$ 2,199.44	\$ 608.00	\$ 188.48	\$ 44.08	\$ 3,040.00	\$ 18.24	\$ 188.48	\$ 44.08	\$ 82.08	AR	AR
5300-000	161-2	Stanley J Adams	\$ 13,650.00	\$ 9,875.77	\$ 2,730.00	\$ 846.30	\$ 197.93	\$ 13,650.00	\$ 42.00	\$ 846.30	\$ 197.93	\$ 243.00	UT	UT
5300-000	162P	SUSANNA M RODARTE VILLASANA	\$ 2,244.00	\$ 1,623.53	\$ 448.80	\$ 139.13	\$ 32.54	\$ 2,244.00	\$ 13.46	\$ 139.13	\$ 32.54	\$ 60.59	OK	OK
5300-000	163P	ROBERTO RODARTE JUAREZ	\$ 3,640.00	\$ 2,633.54	\$ 728.00	\$ 225.68	\$ 52.78	\$ 3,640.00	\$ 21.84	\$ 225.68	\$ 52.78	\$ 98.28	OK	OK
5300-000	168P	Jason L Hinkle	\$ 7,103.99	\$ 5,139.73	\$ 1,420.80	\$ 440.45	\$ 103.01	\$ 7,103.99	\$ 42.00	\$ 440.45	\$ 103.01	\$ 191.81	TX	TX
5300-000	177	JOEY MARTIN	\$ 2,170.80	\$ 1,570.57	\$ 434.16	\$ 134.59	\$ 31.48	\$ 2,170.80	\$ 13.02	\$ 134.59	\$ 31.48	\$ 58.61	TX	TX
			\$ 257,155.43	\$ 186,051.93	\$ 51,431.09	\$ 15,943.65	\$ 3,728.76	\$ 257,155.43	\$ 1,313.61	\$ 15,943.65	\$ 3,728.76	\$ 6,437.42		

Employee Tax

IRS \$ 71,103.50

Employer Tax

IRS \$ 20,986.02
State \$ 6,437.42

Payments to IRS for Federal Forms 940 and 941

FUTA \$ 1,313.61
Everything else \$ 90,775.91

Tax Percentages

20.00% Federal Withholding (Employee)
1.45% Medicare (Employee)
6.20% Social Security (Employee)

0.60% Federal Unemployment (Employer)
1.45% Medicare (Employer)
6.20% Social Security (Employer)
2.70% State Unemployment (Employer)

7K cap
9K cap

EXHIBIT B

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

IN RE:	§	
	§	CASE NO.: 21-10051-rlj7
LAUREN ENGINEERS &	§	
CONSTRUCTORS, INC.,	§	In Proceedings Under Chapter 7
	§	
Debtor.	§	

**ORDER GRANTING MOTION FOR APPROVAL OF INTERIM DISTRIBUTION TO
HOLDERS OF PREPETITION WAGE AND EMPLOYEE BENEFITS CLAIMS
ALLOWED PURSUANT TO 11 U.S.C. § 507(A)(4) AND (5) AND RELATED RELIEF
[Refers to Docket No. __]**

The Court has considered the *Motion for Approval of Interim Distribution to Holders of Prepetition Wage and Employee Benefits Claims Allowed Pursuant to 11 U.S.C. § 507(a)(4) and (5) and Related Relief* [Docket No. __] (the “Motion”)¹ filed by Roddrick B. Newhouse in his capacity as the Chapter 7 Trustee (the “Trustee”) of Lauren Engineers & Constructors, Inc.

The Court is advised there has been no opposition to the Motion filed by a party in interest.

The Court finds jurisdiction over the parties and subject matter, that notice of the Motion has been adequate under the circumstances and that the Motion is in order and should be approved.

¹ Capitalized words and phrases shall have the meaning ascribed to them in the Motion.

It is therefore

ACCORDINGLY, it is hereby:

ORDERED, ADJUDGED AND DECREED that the Motion of the Trustee is granted; it is further

ORDERED, ADJUDGED AND DECREED that the Trustee is authorized to distribute to the holders of allowed Employee Claims such sums as are due and owing to the holders of allowed Employee Claims consistent with **Exhibit A** attached hereto; it is further

ORDERED, ADJUDGED AND DECREED that the Trustee is authorized to withhold payroll taxes from the interim distribution and to deposit with the appropriate federal and state taxing authorities the taxes associated with the interim distribution consistent with **Exhibit A** attached hereto; it is further

ORDERED, ADJUDGED AND DECREED that the Trustee is authorized to take all action necessary and appropriate to carry out the purposes and intent of this Order; and it is further

ORDERED, ADJUDGED AND DECREED that the 14-day stay of Bankruptcy Rule 6004(h) is waived, to the extent this rule is applicable.

END OF ORDER

Submitted by:

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